

PATENT

ATTORNEY DOCKET NO.: 2121-0183PUS1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of	)	
	)	
BOZONNET et al.	)	Confirmation No. 3430
	)	
Serial No. : 10/509,024	)	
	)	Group Art Unit: 1652
	)	
Filed :September 27, 2004	)	Examiner:Chrisrian L. Fronda
	)	
For: NUCLEIC ACID MOLECULES ENCODING A DEXTRANSUCRASE CATALYZING THE SYNTHESIS OF DEXTRAN CARRYING ALPHA-1,2- OSIDIC TYPE LINKAGES		

**DECLARATION REGARDING DEPOSIT OF MICROORGANISMS**

I, Mr. Pierre MONSON, do hereby declare that:

1. I am a citizen of France.
2. I am the Head of the Department of Genetic Biochemistry and Food at INSA (INSTITUT NATIONAL DES SCIENCES APPLIQUES) and one of the inventors of the above-mentioned patent application.
3. I am the person responsible for overseeing the deposit of microorganisms.
4. An *E. coli* strain harbouring the plasmid pCR-T7-dsrE, which is disclosed on page 15 of this application, was deposited with the Collection Nationale de Cultures de Microorganismes ("C.N.C.M.") of Institut Pasteur on March 15, 2001 under Accession number I-2649, to assure availability of these microorganisms to the public.

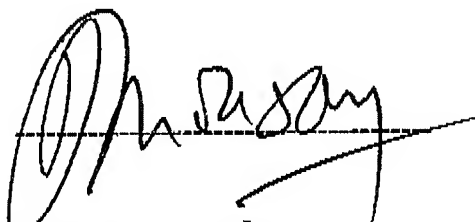
5. The C.N.C.M. has acquired the status of International Depository Authority, within the meaning of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the purposes of Patent Procedure, for deposits of bacteria, bacteria containing plasmids, filamentous fungi, yeasts and viruses. For deposits of microorganisms and other animal cell lines, the C.N.C.M. is a recognized depository institution under Rules 28 and 28a of the Implementing Regulations to the Convention on the Grant of European Patents.
6. The C.N.C.M. has agreed with INSA, in consideration of the payment of a lump sum service charge, to maintain the above-mentioned *E. coli* strain and any information thereto and to their deposits in accordance with the Budapest Treaty for 30 years from the date of deposit or for the enforceable life of any patent or divisional application or continuation to issue from this application or for 5 years after the last request for these microorganisms, whichever is longer.
7. All requirements of the C.N.C.M. for maintenance of the above-mentioned *E. coli* strain during the time periods and under the conditions set forth in paragraph 6, above, have been fulfilled by INSA. In this regard, the required lump sum service charge for 30 years maintenance of the above-mentioned *E. coli* strain and for first testing of the viability thereof were paid upfront by INSA at the time this *E. coli* strain was deposited.
8. It is believed, therefore, that INSA has taken all steps required to have their deposits of the above-mentioned *E. coli* strain maintained by the C.N.C.M. for the following terms: for 30 years or for the enforceable life of any patent after the last request for a sample of cultures, whichever is longer.
9. The C.N.C.M. has also agreed with INSA to allow access to the above-mentioned *E. coli* strain during the term set forth in paragraph 8, above, and also during the pendency of this application to anyone determined by the Commissioner to be entitled thereto under 37 C.F.R. §1.14 and 35 U.S.C. § 122.

10. INSA has committed itself for a period of at least 30 years to replace at the C.N.C.M. the above-mentioned *E. coli* strain should they happen to mutate or die, it being understood that any replacement for this *E. coli* strain would have the same features as those already deposited.
11. The C.N.C.M. has agreed with INSA to remove irrevocably all restrictions on the availability to the public of the above-mentioned *E. coli* strain upon granting of a patent from this application.

I also declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

JUNE 18<sup>th</sup>, 2007

Date

A handwritten signature in black ink, appearing to read 'Mr. Pierre Monsen', written over a horizontal dashed line.

Mr. Pierre Monsen